



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER

Docket Number

10010324-3 (11368/75)

Application Number
10/664,512

Filing Date
September 16, 2003

Examiner
Johnnie L. Smith

Art Unit
2881

Confirmation No.
4696

Invention Title
**INTERNAL INTRODUCTION OF
LOCK MASSES IN MASS
SPECTROMETER SYSTEMS**

Inventor(s)
RUSS, IV, et al.

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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1450 on June 14, 2004

By: Howard I. Grossman
Howard I. Grossman (Reg. No. 48,673)

Transmitted herewith for filing in the above-identified patent application are the following:

1. Amendment in response to Office Action dated March 2, 2004.
2. Terminal Disclaimer.
3. Applicants respectfully request a one-month extension of time in which to respond to the March 2, 2004 Office Action, for which a response period expiring on June 2, 2004 was set. The extended period expires on July 2, 2004. Please charge the **\$110.00** extension fee to the deposit account of **Agilent Technologies**, deposit account number **50-1078**. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to the deposit account of **Agilent Technologies**, deposit account number **50-1078**.
4. A duplicate copy of this letter is enclosed.

Dated: June 14, 2004

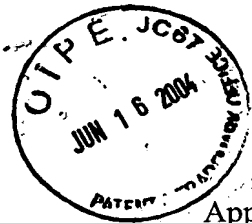
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06/18/2004 MBERHE 00000029 501078 10664512

02 FC:1251 110.00 DA

NY01 701282



PDNO 10010324-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Charles William RUSS IV et al.
Serial No. : 10/664,512
Filed : September 16, 2003
For : **INTERNAL INTRODUCTION OF LOCK MASSES
IN MASS SPECTROMETER SYSTEMS**
Art Unit : 2881
Examiner : Johnnie L. Smith

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By: Howard I. Grossman
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

SIR:

In response to the Office Action of March 2, 2004, please reconsider the above-identified application in view of the following:

REMARKS

Claims 49-58 are currently pending in the present application.

Independent claims 49 and 54 have been rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-48 of U.S. Patent No. 6,649,909.

Patent No. 6,649,909 (to Russ IV et al.) and the present application are commonly owned by Agilent Technologies Inc. Therefore, without addressing the merits of this rejection, a terminal disclaimer in compliance with 37 CFR 1.321(c) is submitted herewith to overcome the double patenting rejection of claims 49 and 54. It is therefore submitted that claims 49-58 are in allowable condition.